

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
November 3, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Suellen Soucek, Greg Thury, Carey Baxter (6).

Town Plan Commission Members Absent: Ron Madich (1).

Public Present: Paul Brummer, Mike Starck (2).

Town Staff Members Present: Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 4:30 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

None.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Monthly Meeting 2nd Draft, October 6, 2010

- On page two, item V.a, fourth paragraph, change “*without*” to “*with*.”

Chair Pallas moves to approve the Town Plan Commission Special Monthly Meeting 2nd draft minutes of October 6, 2010, as amended. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

b. Town Plan Commission Regular Monthly Meeting, October 20, 2010

- On page 1, change “*October 20*” to “*October 6*.”
- On page 3, third paragraph from the bottom, add “*as per Zoning Ordinance*” to the end of the final sentence.
- On page 4, first and second bullet points, change “*square feet*” to “*cubic feet*.”

G. Thury moves to approve the Town Plan Commission Regular Monthly Meeting minutes of October 20, 2010, as amended. S. Soucek seconds. All in favor, 5 aye, 1 abstain (S. Soucek). Motion Carries.

VI. Zoning Administrator’s Report

The report has not been submitted at this point due to the storm and power outage causing the Town Board meeting to have been postponed.

V. Consideration and/or Action of Permit Applications

a. Cone/Thompson re: CSM @ parcel #014-00206-0101 Corner of Mondamin and South Shore Rd.

This CSM has been resubmitted. The Zoning Administrator points out three requirements to be added per Ashland County:

- Platted status of abutting lands shown
- Eastern boundary length to be corrected to match the for previously recorded CSM #323
- Volume and page # for previously recorded CSM #323 to be added

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Also, the Zoning Administrator points out the following errors/omissions per La Pointe requirements:

- On page 2/the Owner Certificate, all the owners need to be listed (more than just Cone and Thompson)
- The setbacks shown are incorrect and need to be removed from the CSM

L. Whalen asks if the number of owners listed was correct at the time they filed. The Zoning Administrator answers no.

C. Baxter asks why they have an easement if they already have the access road. The Zoning Administrator answers that it seems to be for potentially changing where the front of the parcel is.

C. Brummer moves to recommend to the Town Board approval of the Cone/Thompson CSM at parcel #014-00206-0101, corner of Mondamin and South Shore Rd, contingent upon fulfilling Ashland County approval, to remove the 10 foot setback line, and listing of all owners of all lots included on the Owner's Certificate. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

b. Noha/Town of La Pointe re: CSM @ 249 & 279 Library St., parcels #014-00439-0100 and #014-00439-0300

The Zoning Administrator received an email from Tim Oksiuta, saying that he spoke to Karen Miller at the Register of Deeds, who pointed out corrections that need to be made to the CSM: the north/south directional arrow isn't correctly aligned and all owners need to sign on the page detailing the certificate of ownership (i.e. there needs to be signatures from both the Nohas and the Town).

C. Brummer moves to postpone the Noha CSM until we get the final draft with the Ashland County corrections on it. G. Thury seconds. All in favor, 6 aye. Motion Carries.

c. Hartzell, Robert RE: After the fact CSM for the division of parcel #014-00206-0200 at easterly corner of Penny Lane & Mondamin Trail.

The amended CSM that includes all the changes the Town Plan Commission required has been submitted. Those requirements are as follows:

- Wetlands shown
- Access driveway shown
- Fire hydrant and sewer manhole on Lot 3 shown
- All County Surveyor's requirements

C. Brummer moves to recommend to the Town Board approval of the Robert Hartzell after the fact CSM for the division of parcel #014-00206-0200 at easterly corner of Penny Lane & Mondamin Trail, as received November 3, 2010. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

d. Hartzell, Robert RE: CSM for reconfiguration of lots within Hartzell subdivision – combine 4 parcels into 2 at westerly corner of Penny Lane & Mondamin Trail. Lots 1, 2, 3, & 10, parcels #014-00192-0517, #014-00192-0510, #014-00192-0509, #014-00192-0508

The Zoning Administrator cannot locate any records at the Town Hall showing that Lot 10 was part of the map changes that Lots 1, 2, and 3 were a part of that changed the zoning district from R-1 to R-3. She will check the Register of Deeds.

Chair Pallas directs the Zoning Administrator to ask Mr. Hartzell if he has any record of any map change and to check with the Register of Deeds. If there is no documentation, Mr. Hartzell may be required to apply for a map change for Lot 10.

The Zoning Administrator notes that Mr. Hartzell plans on attending the next Town Plan Commission meeting in any case.

Chair Pallas moves to postpone this Survey Map and put it on the next agenda so Mr. Hartzell can attend. G. Thury seconds. All in favor, 6 aye. Motion Carries.

The Zoning Administrator states that this area could also be changed in the Draft Ordinance Zoning Map to avoid this irregularity. Chair Pallas notes that even if the map change did occur, the draft map needs to be changed to show it.

e. Dobson, Jacob & Hailey re Single Family Dwelling

The Zoning Administrator states that this is a very straightforward permit where everything is in order. The only issue is that they're waiting for their sanitary permits. The Dobsons want to put in their foundation before the ground freezes if they can get those permits. The Zoning Administrator wants to know if the Town Plan Commission would allow her to issue their land use permit as soon as the sanitary ones come in, rather than wait for the next Town Plan Commission meeting.

Chair Pallas asks for clarification: the permit papers would just be filled out and ready to be signed, but nothing would be issued until the sanitary permits are issued? The Zoning Administrator answers yes.

Chair Pallas moves to authorize the Zoning Administrator to issue the permit as soon as the sanitary is in. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

VI. Old Business

VII. New Business

a. Approval of draft mailing notice to property owners re: Zoning Ordinance Revision Public Hearing

A mailing is approved, which will include both a letter and an agenda.

The Town Plan Commission also decides to schedule a second Public Hearing for Wednesday, December 8, in case the discussion at the first Public Hearing of December 1 necessitates a second one.

Chair Pallas recommends that the Zoning Administrator ask attorney Fauerbach to review the letter and agenda as well.

b. Email from Joan Slack re: Franklin Taylor property questions Zoning Ordinance interpretation

This property is on Big Bay Road and is an example of a situation that comes up often. The lot is an illegal substandard lot (this specific lot was divided twice, in the 1990's, and has never had a CSM).

Interested parties have asked what exactly can be done in terms of building on the property. Can unlimited repair and maintenance be performed?

The Town Plan Commission discusses this email and situation. It is agreed that unlimited repair and maintenance can be performed, but nothing more than that.

VIII. Future Agenda Items

- Hartzell, Robert RE: CSM for reconfiguration of lots within Hartzell subdivision – combine 4 parcels into 2 at westerly corner of Penny Lane & Mondamin Trail. Lots 1, 2, 3, & 10, parcels #014-00192-0517, #014-00192-0510, #014-00192-0509, #014-00192-0508

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- Noha/Town of La Pointe re: CSM @ 249 & 279 Library St., parcels #014-00439-0100 and #014-00439-0300
- Town Plan Commission by-laws

IX. Schedule of Next Meeting

- Town Plan Commission Regular Monthly Meeting to be held Tuesday, 11/17/2010 at 4:30 pm.
- First Zoning Ordinance Revision Project Public Hearing to be held Wednesday, 12/1/2010, at 5:00 pm, at the La Pointe Elementary School Gym.
- Second Zoning Ordinance Revision Project Public Hearing to be held Wednesday, 12/8/2010, at 5:00 pm at the Town Hall.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 5:55 pm.

Town Plan Commission draft minutes are respectfully submitted by Margaretta Kusch on Wednesday, November 10, 2010.

Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Tuesday, November 16, 2010.